

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**SUE MCCOMBS**

**vs.**

**HOME DEPOT, U.S.A., INC.**

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**Civil Action No. 1:15-CV-922**

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**JOINT MOTION TO MODIFY SCHEDULING ORDER AND  
MEMORANDUM IN SUPPORT THEREOF**

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TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff, SUE MCCOMBS, and Defendant, THE HOME DEPOT, U.S.A., by and through their respective counsel, hereby jointly move the Court to modify its Scheduling Order dated January 12, 2016.

**MEMORANDUM IN SUPPORT**

Both parties have conferred and jointly request this extension. The parties are proceeding diligently, have exchanged documents, and have agreed to attempt to resolve this dispute through mediation. However, based upon the fact that Plaintiff is still treating for her injuries she sustained as a result of the subject incident, additional time for conducting discovery is necessary in order that Defendant may obtain Plaintiff's medical records before depositions are taken in this matter. Further, Plaintiff's completed treatment and the corresponding medical records will be necessary for both parties making determinations regarding the designation of testifying experts.

Dated: September 4, 2016

Respectfully submitted,

/s/ Scott J. Braden

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**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing instrument was served in accordance with the FEDERAL RULES OF CIVIL PROCEDURE upon the following:

**SENT VIA E-MAIL TO MMCPEAK@AKSMITHLAW.COM**

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ATTORNEY FOR DEFENDANT

On this the 4<sup>th</sup> of September, 2016

/s/ Scott J. Braden  
Scott J. Braden